

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

**FRANK MUCERINO III and
CREEKSIDE TERRACE LLC,**

Plaintiffs

v.

CHARLES JOSHUA DALE MARTIN,

Defendant

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Case No. 3:21-cv-00284

DECLARATION OF CHARLES JOSHUA DALE MARTIN

1. My name is Charles Joshua Dale Martin , I have personal knowledge of the facts affirmed in this Declaration, I am competent to testify regarding them, and I swear under penalty of perjury that they are true.

2. I purchased 14 Evergreen Trail in Camp Ravine Estates subdivision on May 29, 2020.

3. Since I purchased my home, I have learned of and observed many unresolved issues related to my home, my neighbors' home, and the Camp Ravine Estates subdivision. Some of those issues include:

- a. Neglected/deteriorating drainage sites;
- b. No sidewalks or curbs in the neighborhood even though they are shown on the plans; and
- c. High erosion potential with no mitigation plans;

4. I am a member of a private Facebook group named "Residents of Camp Ravine Estates & Cottages at Sycamore Ridge" which, as of March 22, 2021, had 55 members consisting of Camp Ravine and Cottages of Sycamore Ridge home owners.

5. On March 22, 2021, I posted the following on the Residents of Camp Ravine Estates & Cottages at Sycamore Ridge Facebook page:

Hey neighbors, I'm sure all of you are aware that there are many unresolved issues with our neighborhood that the developer is responsible for, but we know he has no plans to fix them and is now reportedly moving away.

It seems to me the advice of the city attorney to lawyer up will be a waste of time and money especially if Frank the developer claims bankruptcy.

In my opinion, the best course of action would be to schedule a time on the City Hall agenda to have our case heard with all of the problems the engineer has noted that Karla Cobbs has posted here previously. This will require everyone to participate, attend, and compile evidence of the issues caused by the developer.

Please let me know your thoughts.

A true and correct copy of my March 22, 2021 post is attached to this Declaration as **Exhibit A**.

6. The "unresolved issues with our neighborhood" referenced in my post included, without limitation, the issues identified in Paragraph 3 of this Declaration.

7. The "problems the engineer has noted" referenced in my post are attached to this Declaration as **Exhibit B**.

8. The "unresolved issues with our neighborhood" referenced in my post also included, without limitation, the issues identified in Exhibit B to this Declaration.

9. On March 22, 2021, I sincerely believed that Plaintiffs are responsible for the unresolved issues referenced in my post because they are the developer/builder of Camp Ravine Estates.

10. On March 22, 2021, I sincerely believed that Plaintiffs had no plans to fix the unresolved issues referenced in my post based on my own experience and the experiences of other Camp Ravine homeowners.

11. Prior to March 22, 2021, I was advised that Camp Ravine homeowners spoke with Tim V. Potter, attorney for the Town of Burns.”

12. Prior to March 22, 2021, I was advised that Mr. Potter suggested that Camp Ravine homeowners should obtain an attorney and sue Plaintiffs to force Plaintiffs to correct the unresolved issues referenced in my post.

13. On March 22, 2021, I sincerely believed that any legal action against Plaintiff Frank Mucerino, III would be a waste of time and money if he filed bankruptcy.

14. On March 22, 2021, I sincerely believe that the best course of action to get Plaintiffs fix the unresolved issues referenced in my post was to bring these concerns before the Town of Burns Planning Commission or other appropriate governmental agency.

15. Attached as **Exhibit C** to this Declaration is a Facebook post by Stephanie Mucerino referencing and attaching the Complaint filed in *Creekside Terrace LLC v. Town of Burns Municipal Planning Commission, et al.*, United States District Court for the Middle District of Tennessee Case No. 3:21-cv-00248, which I copied from Stephanie Mucerino’s Facebook page.

16. Attached as **Exhibit D** to this Declaration is a Facebook post by Stephanie Mucerino referencing and attaching the Complaint filed in this case, which I copied from Stephanie Mucerino’s Facebook page.

17. Attached as **Exhibit E** to this Declaration is a response by user “Josh Ray” to Stephanie Mucerino’s post attached as Exhibit C, which I copied from Stephanie Mucerino’s Facebook page.

18. Attached as **Exhibit F** to this Declaration is a response by user “Deven Ragan” to Stephanie Mucerino’s post attached as Exhibit C, which I copied from Stephanie Mucerino’s Facebook page.

19. Attached as **Exhibit G** to this Declaration is a response by user “Melanie Hinckley” to Stephanie Mucerino’s post attached as Exhibit C, which I copied from Stephanie Mucerino’s Facebook page.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 14th day of June, 2021, in Burns, Tennessee.



Charles Joshua Dale Martin

EXHIBIT 1-A

10:16



Like Reply



Write an answer...



Josh Martin



Visual Storyteller · Mar 22 · 🌐

Hey neighbors, I'm sure all of you are aware that there are many unresolved issues with our neighborhood that the developer is responsible for, but we know he has no plans to fix them and is now reportedly moving away.

It seems to me the advice of the city attorney to lawyer up will be a waste of time and money especially if Frank the developer claims bankruptcy.

In my opinion, the best course of action would be to schedule a time on the city hall agenda to have our case heard with all of the problems the engineer has noted that [Karla Cobbs](#) has posted here previously. This will require everyone to participate, attend, and compile evidence of the issues caused by the developer.

Please let me know your thoughts.



4

11 Comments Seen by 47



EXHIBIT 1-B

Number	Issue
1	Lack of EPSC across entire site - Examples are down silt fence and over an inch of mud on the roadway
2	No Intersection traffic control
3	Site drainage for lots 47, 48, 49 - Lot 47 grading in back yard is a major concern
4	Large concern with lots 33, 34, and 35
5	Hydrants - some are 3+ feet out of the ground and others the connections are nearly buried
6	Need as-built survey to check site vs design plans - Likely many more issues
7	No sidewalk anywhere in the development (sidewalk variance <u>denied</u> 5/22/17 Planning Commission)
8	Lot 35 requesting CO with closing date of 11/4/20 - This is the lot with the culvert in the front yard and severe drainage concerns. (outfall with 35 diverted acres and bottom of hill)
9	Appears that the stream buffer has been encroached upon and grading work is being done within the stream channel
10	Rip rap fills ditches instead of lining ditches - causes stormwater diversion around ditch
11	Lack of proper rip-rap at headwalls
12	Phases 4&5 show 6' shoulder
13	Phase 6 shows curb and gutter with inlets. No curb and gutter or inlets present
14	Phase 6 plans do not have sidewalk but Final Plat does - No sidewalk installed
15	Phase 6 does not have a TDEC permit on file
16	Phases 4 & 5 have active TDEC permit but no action after last NOV from June 2018
17	Could not find a letter of credit for Phase 5
18	Frank Mucerino (Creekside LLC) still showing up as permittee on TDEC
19	Sewer crossing is a stream violation (behind lot 35)
20	Need drainage reports from all phases. With pipe sizing calculations and drainage area calculations
21	Observed grading appears to exceed 10 acres and therefore require sediment basins
22	No site stormwater detention - Post project stormwater flows likely higher than pre-project
23	Lot grading not accounting for development lots. Grading shown in plans only is grading for roadway. Where did contractor get grading details for building lots? How does this affect the site?

EXHIBIT 1-C



Stephanie's Post



Stephanie Mucerino uploaded a file in the group: **Hip Dickson County**.

Apr 15 · 🌐

Lawsuit filed against Town of Burns Planning Commission, Tim Potter (Town of Burns attorney), Landon Mathis (Mayor), Greg Hogin (Planning Commission Chairman), Bryan Collins (State Planner) in Federal Court on behalf of Creekside Terrace.



Town of Burns Complaint.pdf · version 1



Like



Comment

👍 29

All Comments ▾

View previous comments...



Shelley White

So I don't want to download the pdf. Lol what's this about?

8w Like Reply

3 👍

View 22 previous replies...



Write a comment...



EXHIBIT 1-D



Stephanie's Post



Stephanie Mucerino uploaded a file in the group: **Hip Dickson County**.

Apr 15 · 🌐

Defamation and False Light lawsuit filed on behalf of Creekside Terrace against Town of Burns resident Josh Martin in Federal Court.



Martin Complaint.pdf · version 1



Like



Comment

👍 8

All Comments ▾



Shelley White

This is the first time Ive ever seen someone follow through with a slander/defamation suit from FB. Interested to see how it plays out.

8w Like Reply



Sandra Noel

[Shelley](#) seems #24 is key

If dude has any paper trails as



Write a comment...



EXHIBIT 1-E



Comments

**Josh Ray**

Stephanie are you even being serious with posting this let alone yall trying to sue somebody. Yall are just mad bc everybody in the subdivision is pissed bc they bought some horribly built homes. And as far as your sales going down, it's not bc of rumors going around, it's bc yall throw up poorly built homes. There's to many other builders in the area who build way better houses

8w Like Reply

10

View 4 previous replies...**Tabitha Hutcheson**

[Josh Ray](#) oh that's even better lol...the other lawsuit she posted has them all listed as Florida residents.

8w Like Reply

**Brittney Lindsey Williams**

[Tabitha Hutcheson](#) right. That's



Write a comment...



EXHIBIT 1-F



Comments

developer also sits on planning commission and is trying to sabotage his building plains

8w Like Reply

6  



Deven Ragan

[Shelley White](#) they're suing because a lot of people that live in those houses are about to sue or have sued them because the homes allegedly have lots of water problems, structural problems, and weren't built up to codes and they won't stand behind their builders warranty and make it right and fix the issues. The new homeowners are getting stuck with lots of money having to be spent to fix problems that should have never been an issue in the first place if the homes were built correctly.

8w Like Reply

14  



Shelley White



Write a comment...



EXHIBIT 1-G



Comments

View Like Reply



Sandra Noel

[Shelley](#). I remember posts about new houses w pipes freezing this last cold snap.... wondered if it was a new subdivision

8w Like Reply



Glenna Mathis

[Deven Ragan](#) yes

8w Like Reply



Melanie Hinckley

[Deven Ragan](#) So glad we didn't buy there!

8w Like Reply



Mandy Kees

[Deven Ragan](#) codes dept responsibility?

8w Like Reply



Mandy Kees

[Shelley White](#) nope

8w Like Reply



Write a comment...

